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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,548	05/02/2005	Kenichi Ishii	8013-1233	9354

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EXAMINER	
LIM, STEVEN	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,548	ISHII, KENICHI	
	Examiner	Art Unit	
	Steven Lim	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 May 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/2/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 75 is objected to because of the following informalities: Claim 75 states, "wherein one of said position information and the error notification from said server to said client device." The phrase "is transmitted" has been omitted between the words "notification" and "from". Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 54 and 55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. MPEP 2106.01 [R-5] I. States:

"Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory."

Examples of acceptable language in computer-processing related claims are:

Computer readable medium encoded with
a) a computer program
b) software
c) computer executable instructions
d) instructions capable of being executed by a computer

Claim 54 and 55 fails to specify a computer readable medium and therefore are not statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 41-42, 44-48, 54, and 56-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Kall (US 7076257).

6. Regarding Claims 1, 41,44, and 54, Kall teaches telecommunication system with mobile phone location functions including a node that has a positioning response generation function unit (LCS Server, Col. 6, Lines 36-40) that generates a response of the position information to an external client (LCS client) based on a requested accuracy and request accuracy request class (Col. 7, Lines 10-12, 35-46).

7. Regarding Claims 2 and 42, Kall further teaches a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41 and 47-49).

8. In regards to Claim 3, Kall further teaches responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

9. For Claim 4, Kall further teaches providing a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy.

10. In regards to Claim 5, Kall further teaches responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

11. Regarding Claims 6 and 45, Kall further teaches a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41 and 47-49) and a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy.

12. Regarding Claims 7 and 46, Kall further teaches the position system comprising a holding function unit (register or database) to store data, which may include positioning accuracy request class information (Col. 4, Lines 41-43).

13. Regarding Claims 8 and 47, Kall further teaches the position system includes a receiving function unit (Fig. 3, Positioning data received from MS target Item 20 at LCS server Item 12) that receives the request for location information including accuracy requirements (Col. 6, Lines 10-14).

14. Regarding Claim 9, Kall further teaches an external client (LCS client) that transmits a request for location information including accuracy (Col. 6, Lines 25-29) a positioning response generation function unit (LCS server) using the information to

generate a response of position information (Col. 6, Lines 36-40, Col. 7, Lines 4-6) and when an accuracy request has not been transmitted using a using the accuracy inside the positioning system (quality level requirement set by the service provider, Col. 7, Lines 17-19) to generate the location information response.

15. In regards to Claim 48, Kall further teaches the position system comprising a holding function unit (register or database) to store data, which may include positioning accuracy request class information (Col. 4, Lines 41-43), a receiving function unit (Fig. 3, Positioning data received from MS target Item 20 at LCS server Item 12) that receives the request for location information including accuracy requirements (Col. 6, Lines 10-14) and an external client (LCS client) that transmits a request for location information including accuracy (Col. 6, Lines 25-29) a positioning response generation function unit (LCS server) using the information to generate a response of position information (Col. 6, Lines 36-40, Col. 7, Lines 4-6) and a merge function unit which generates the location information response using the accuracy inside the positioning system when an accuracy request has not been transmitted using a (quality level requirement set by the service provider, Col. 7, Lines 17-19).

16. Regarding Claims 56 and 57, Kall further teaches telecommunication system with mobile phone location functions including a node that has a positioning response generation function unit (LCS Server, Col. 6, Lines 36-40) that generates a response of the position information to an external client (LCS client) based on a requested accuracy and request accuracy request class (Col. 7, Lines 10-12, 35-46), a holding function unit (register or database) to store data, which may include positioning

accuracy request class information (Col. 4, Lines 41-43), and a transmission means that responds to the external client with position information that is lower quality than requested or an error if the requested accuracy position information does not exist.(Col. 6, Lines 51-54, 14-17).

17. Regarding Claims 58 and 59, Kall further teaches a mobile communication system (cellular telecommunications system) that includes a regional area network (cell coverage area, Col. 1, Lines 20-26) and a management device (mobile switching center, Col. 1, Lines 27-31). Kall also teaches phone location functions including a node that has a positioning response generation function unit (LCS Server, Col. 6, Lines 36-40) that generates a response of the position information to an external client (LCS client) based on a requested accuracy and request accuracy request class (Col. 7, Lines 10-12, 35-46) by cooperating and obtaining location information about the external client via network controllers including the management device (Col. 2, Lines 26-34).

18. In regards to Claim 60, Kall further teaches using OTDOA to determine the position of the mobile station (Col. 5, Line 64 - Col. 6, Line 1).

19. In regards to Claim 61, Kall further teaches responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

20. Regarding Claim 62, Kall further teaches a client device (external client, Fig. 3, Item 8) a positioning request processor (LCS server, Fig. 3, Item 12) that receives a positioning request from a client and transmits location information (Col. 6, Lines 36-40) or an error message (Col. 6, Lines 51-54, 14-17).

21. Regarding Claim 63, Kall further teaches the positioning request processing means receiving an accuracy level (Col. 7, Lines 4-6).

22. Regarding Claim 64, Kall teaches a client device of a mobile communication system which requests location information of a mobile station (Col. 6, Lines 25-30) and receives position information or an error message in response to a request of position information including accuracy and accuracy level (Col. 6, Lines 51-54, Col. 7, Lines 4-6 and 25-27).

23. Regarding Claim 65, Kall further teaches an error message is sent in response to the location information not be available to the required quality or accuracy level or the position information is sent even though the information does not meet the requested accuracy (Col. 7, Lines 14-17).

24. Regarding Claims 66 and 67, Kall further teaches the mobile communication system (cellular telecommunications system) includes a regional area network (cell coverage area, Col. 1, Lines 20-26) and a management device (mobile switching center, Col. 1, Lines 27-31). Kall also teaches phone location functions including a node that has a positioning response generation function unit (LCS Server, Col. 6, Lines 36-40) that generates a response of the position information to an external client (LCS client) based on a requested accuracy and request accuracy request class (Col. 7, Lines 10-12, 35-46) cooperates and obtains location information about the external client via network controllers including the management device (Col. 2, Lines 26-34).

25. In regards to Claim 68, Kall further teaches using OTDOA to determine the position of the mobile station (Col. 5, Line 64 - Col. 6, Line 1).

26. In regards to Claim 69, Kall further teaches responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

27. For Claim 70, Kall further teaches transmitting an accuracy request (Col. 7, Lines 4-6) and level request (Class request, Col. 7, Lines 25-27).

28. Regarding Claims 71, 75, 76, 78 - 81, Kall teaches a telecommunication system including a regional area network (cell coverage area, Col. 1, Lines 20-26), a management device (mobile switching center, Col. 1, Lines 27-31), a client device with mobile phone location functions (Col. 6, Lines 25-30) and a antenna (Col. 5, Lines 50-52) for communicating with the regional area network and a server (LCS Server), and a node that has a positioning response generation function unit (LCS Server, Col. 6, Lines 36-40) that generates a response of the position information to an external client (LCS client) based on a requested accuracy and request accuracy request class (Col. 7, Lines 10-12, 35-46) by cooperating and obtaining location information about the external client via network controllers including the management device (Col. 2, Lines 26-34)., a holding function unit (register or database) to store data, which may include positioning accuracy request class information (Col. 4, Lines 41-43), and a transmission means that responds to the external client with position information or an error if the position information does not exist regardless of the level (Col. 6, Lines 51-54, 14-17).

29. Regarding Claim 72, Kall further teaches an error message is sent in response to the location information not be available to the required quality or accuracy level or the position information is sent even though the information does not meet the requested accuracy (Col. 7, Lines 14-17).

30. In regards to Claim 73, Kall further teaches using OTDOA to determine the position of the mobile station (Col. 5, Line 64 - Col. 6, Line 1).

31. In regards to Claim 74, Kall further teaches responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

32. Regarding Claim 77, Kall further teaches an error message is sent in response to the location information not be available to the required quality or accuracy level or the position information is sent even though the information does not meet the requested accuracy (Col. 7, Lines 14-17).

Claim Rejections - 35 USC § 103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

34. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

35. Claims 10-37, 43, 49-53, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kall (US 7076257).

36. Regarding Claims 10, 49, and 55, Kall discloses a telecommunication system with mobile phone location functions including a node that has a positioning response generation function unit (LCS Server, Col. 6, Lines 36-40) that generates a response of the position information to an external client (LCS client) based on a requested freshness (time stamp, Col. 7, Lines 10-12), however Kall fails to disclose a request freshness request class.

Kall teaches forming classes for the information required (Col. 7, Lines 29-31) which enables a user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to have classes for the other types of information and not only the accuracy because the freshness of location information is an alternate parameter to the quality of a given location's information.

37. Regarding Claim 11, Kall discloses a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41 and 47-49), however Kall fails to disclose the same class for a requested freshness.

Kall discloses using the freshness (time stamp) as a parameter in the quality of location information (Col. 7, Lines 10-12) and forming classes for the information required (Col. 7, Lines 29-31) which enables the user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to use freshness as the parameter defining the first class because the freshness of location information is an alternate parameter to the accuracy of a given location's information (Col. 7, Lines 10-12).

38. In regards to Claim 12, Kall further discloses responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

39. For Claim 13, Kall further discloses providing a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy, however Kall fails to disclose having a same class for a freshness parameter.

Kall discloses using the freshness (time stamp) as a parameter in the quality of location information (Col. 7, Lines 10-12) and forming classes for the information required (Col. 7, Lines 29-31) which enables a user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to use freshness as the parameter defining the second class because the freshness of location information is an alternate parameter to the accuracy of a given location's information (Col. 7, Lines 10-12).

40. In regards to Claim 14, Kall further discloses responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

41. Regarding Claims 15 and 50, Kall discloses a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41

and 47-49) and a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy, however Kall fails to disclose having the same classes for a freshness parameter.

Kall discloses using the freshness (time stamp) as a parameter in the quality of location information (Col. 7, Lines 10-12) and forming classes for the information required (Col. 7, Lines 29-31) which enables a user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to use freshness as the parameter defining the first and second class because the freshness of location information is an alternate parameter to the accuracy of a given location's information (Col. 7, Lines 10-12).

42. Regarding Claims 16 and 51, Kall further discloses the position system comprising a holding function unit (register or database) to store data, which may include positioning freshness request class information (Col. 4, Lines 41-43).

43. Regarding Claims 17 and 52, Kall further discloses the position system includes a receiving function unit (Fig. 3, Positioning data received from MS target Item 20 at LCS server Item 12) that receives the request for location information including freshness requirements (Col. 6, Lines 10-14).

44. Regarding Claim 18, Kall further discloses an external client (LCS client) that transmits a request for location information including freshness (Col. 6, Lines 25-29) a positioning response generation function unit (LCS server) using the information to

generate a response of position information (Col. 6, Lines 36-40, Col. 7, Lines 4-6) and when an freshness request has not been transmitted then using a using the freshness inside the positioning system (quality level requirement set by the service provider, Col. 7, Lines 17-19) to generate the location information response.

45. Regarding Claims 19 and 43, Kall discloses a telecommunication system with mobile phone location functions including a node that has a positioning response generation function unit (LCS Server, Col. 6, Lines 36-40) that generates a response of the position information to an external client (LCS client) based on a requested accuracy or freshness and request accuracy request class (Col. 7, Lines 10-12, 35-46), however Kall fails to disclose a request freshness request class.

Kall teaches forming classes for the information required (Col. 7, Lines 29-31) which enables a user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to have classes for the other types of information and not only the accuracy because the freshness of location information is an alternate parameter to the quality of a given location's information.

46. Regarding Claim 20, Kall further discloses a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41 and 47-49).

47. In regards to Claim 21, Kall further discloses responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

48. For Claim 22, Kall further discloses providing a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy.

49. In regards to Claim 23, Kall further discloses responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

50. Regarding Claim 24, Kall further discloses a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41 and 47-49) and a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy.

51. Regarding Claim 25, Kall further discloses the position system comprising a holding function unit (register or database) to store data, which may include positioning accuracy request class information (Col. 4, Lines 41-43).

52. Regarding Claim 26, Kall further discloses the position system includes a receiving function unit (Fig. 3, Positioning data received from MS target Item 20 at LCS server Item 12) that receives the request for location information including accuracy requirements (Col. 6, Lines 10-14).

53. Regarding Claim 27, Kall further discloses an external client (LCS client) that transmits a request for location information including accuracy (Col. 6, Lines 25-29) a positioning response generation function unit (LCS server) using the information to generate a response of position information (Col. 6, Lines 36-40, Col. 7, Lines 4-6) and when an accuracy request has not been transmitted using a using the accuracy inside

the positioning system (quality level requirement set by the service provider, Col. 7, Lines 17-19) to generate the location information response.

54. Regarding Claim 28, Kall discloses a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41 and 47-49), however Kall fails to disclose the same class as a third class which satisfies a requested freshness.

Kall discloses using the freshness (time stamp) as a parameter in the quality of location information (Col. 7, Lines 10-12) and forming classes for the information required (Col. 7, Lines 29-31) which enables a user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to use have a third class where the freshness requirements are satisfied when freshness is used in conjunction with the accuracy parameter as both are types of parameters in the quality of location information (Col. 7, Lines 10-12).

55. In regards to Claim 29, Kall further teaches responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

56. For Claim 30, Kall further discloses providing a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy, however Kall fails to disclose having a same class for a freshness parameter as a fourth class.

Kall discloses using the freshness (time stamp) as a parameter in the quality of location information (Col. 7, Lines 10-12) and forming classes for the information required (Col. 7, Lines 29-31) which enables a user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to use have a fourth class where the freshness requirements cannot be satisfied and the freshness is the closest to the required freshness in order to use a freshness parameter in combination with the accuracy parameter as both are types of parameters in the quality of location information (Col. 7, Lines 10-12).

57. In regards to Claim 31, Kall further discloses responding an error if the position information does not exist (Col. 6, Lines 51-54, 14-17).

58. Regarding Claim 32, Kall discloses a first class (Accuracy class A), which satisfies a positioning accuracy requested by an external client (Col. 7, Lines 41 and 47-49) and a second class (Accuracy Class B) when the accuracy requested cannot be met and asking the user to accept the closest (lower quality information, Col. 7, Lines 14-17) accuracy to the requested accuracy, however Kall fails to disclose the first class as a third class which satisfies a requested freshness and the second class as a fourth class that does not meet a freshness parameter but is close to the required freshness parameter.

Kall discloses using the freshness (time stamp) as a parameter in the quality of location information (Col. 7, Lines 10-12) and forming classes for the information

required (Col. 7, Lines 29-31) which enables a user to further define the requirements for the freshness of the location data.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to use freshness as the parameter defining the first and second class as a third and fourth class respectively because the freshness of location information is an alternate parameter for the quality of location information that can be request by a user (Col. 7, Lines 10-12).

59. Regarding Claim 33, Kall further discloses the position system comprising a holding function unit (register or database) to store data, which may include positioning freshness request class information (Col. 4, Lines 41-43).

60. Regarding Claim 34, Kall further discloses the position system includes a receiving function unit (Fig. 3, Positioning data received from MS target Item 20 at LCS server Item 12) that receives the request for location information including freshness requirements (Col. 6, Lines 10-14).

61. Regarding Claim 35, Kall further discloses an external client (LCS client) that transmits a request for location information including freshness (Col. 6, Lines 25-29) a positioning response generation function unit (LCS server) using the information to generate a response of position information (Col. 6, Lines 36-40, Col. 7, Lines 4-6) and when an freshness request has not been transmitted then using a using the freshness inside the positioning system (quality level requirement set by the service provider, Col. 7, Lines 17-19) to generate the location information response.

62. Regarding Claims 36 and 37, Kall further discloses that when the parameters requested cannot be met the user is asked to accept the closest (lower quality information, Col. 7, Lines 14-17) information including both the accuracy or freshness of a position information.

63. For Claim 53, Kall further discloses the position system comprising a holding function unit (register or database) to store data, which may include positioning freshness request class information (Col. 4, Lines 41-43), a receiving function unit (Fig. 3, Positioning data received from MS target Item 20 at LCS server Item 12) that receives the request for location information including freshness requirements (Col. 6, Lines 10-14), and an external client (LCS client) that transmits a request for location information including freshness (Col. 6, Lines 25-29) a positioning response generation function unit (LCS server) using the information to generate a response of position information (Col. 6, Lines 36-40, Col. 7, Lines 4-6) and when an freshness request has not been transmitted then using a using the freshness inside the positioning system (quality level requirement set by the service provider, Col. 7, Lines 17-19) to generate the location information response.

64. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kall (US 7076257) in view of Yamamoto et al. (US 20020138650).

65. Regarding Claims 38, 39, and 40, Kall discloses that when the parameters requested cannot be met the user is asked to accept the closest (lower quality information, Col. 7, Lines 14-17) information and sending that data to the client where

the data includes either the accuracy or freshness of a position information, however Kall fails to disclose prioritizing the accuracy or freshness.

In an analogous art, Yamamoto et al. discloses a location system in which an accuracy parameter is given priority over freshness (time, Paragraph 283), which enables a user to choose which parameter is more important.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to prioritize accuracy or freshness in order for a user to specify the most important factor in the parameters regarding a position information retrieval operation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Lim whose telephone number is (571) 270-1210. The examiner can normally be reached on Mon-Thurs 9:00am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SL

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER